

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRIMINAL REVISION CASE No.1369 of 2002

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Date:20.08.2014

Between:

Bonagiri Naga Venkata Satya
Sivarama Krishna Trinadh

..... Petitioner.

AND

The Sub-Inspector of Police,
Pathapatnam, and State rep.
by Public Prosecutor, High
Court of A.P., Hyderabad.

.....Respondent.

The Court made the following :

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ORDER:

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This revision is preferred against orders in M.C.No.48/2010 on the file of Family Court-cum-V Additional District & Sessions Judge, Rajahmundry whereunder respondents 1 & 2 herein are granted monthly maintenance of Rs.25,000/- each totalling to Rs.50,000/- per month.

3. Heard arguments.

4. Advocate for revision petitioner submitted that the trial Court while taking into consideration annual turn over in the business of the respondent in M.C. i.e., revision petitioner herein has fixed the quantum of Rs.50,000/-, without considering the actual income of the revision petitioner. He submitted that even as per the sale details, the total sales turn over in the year 2011-2012 is roughly Rs.7,00,000/- on which, the revision petitioner gets 5% commission. He submitted even if that Rs.7,00,000/- per year has taken monthly income works out around Rs.58,500/- and petitioner was ordered to pay Rs.50,000/- of it leaving a partly amount of Rs.8,500/- to him and trial Court without considering the same, fixed exorbitant quantum. He submitted that the revision petitioner though having all material documents to prove his net income, he could not do so and an opportunity may be given to the revision petitioner to prove his income and Rs.50,000/- per month is on higher side when his actual monthly income is around Rs.15,000/- to Rs.20,000/-. He submitted by fixing some time to the trial Court, the matter may be remitted back so that the petitioner will have an opportunity to prove his income and the opposite party will have chance to rebut.

5. Considering the material available on record, I feel that trial Court fixed the quantum without there being any positive evidence for the income of the revision petitioner, therefore, I feel that it is a fit case to remit back the matter to the trial Court by giving opportunity to both parties to prove income

aspect by fixing same time for disposal of the case.

6. For these reasons, the order of the family Court Judge in M.C.No.48/2010 is set aside and the matter is remitted back to the Trial Court for deciding the quantum issue.

The trial Court shall allow both the parties to put forth their evidence for deciding the quantum and the trial Court shall complete the process of enquiry, within two months from the date of receipt of this order and in the meantime, the revision petitioner shall deposit a sum of Rs.10,000/- per month towards interim maintenance.

7. With the above direction, Criminal Revision Case is disposed of.

8. As a sequel, miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand disposed of.

JUSTICE S. RAVI KUMAR

Date: 20.08.2014

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